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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,570	08/15/2001	Lian Yang	13768.206	4236

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EXAMINER

TIEU, BINH KIEN

ART UNIT	PAPER NUMBER
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2643

3

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,570

Applicant(s)

YANG ET AL.

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-64 is/are allowed.
- 6) ☐ Claim(s) 1,2,5-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,4,12 and 14-16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 5-11 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe (U.S. Pat. #: 6,493,425).

Regarding claim 1, Abe teaches in a telephone network, as shown in figure 1, that includes a telephone device (i.e., terminal 155 or remote client 160) that is network connectable to a call control server (i.e., service modules 130, col.5, lines 29-52), the call control server configured to recognize and response to commands (i.e., universal commands) issued by the telephone device to thereby accomplish telephone tasks (i.e., testing network elements, col.6, lines 13-21), a method for allowing call control using data commands provides over a data line, the method comprising the following:

a specific act of receiving a call control command from a data line (i.e., receiving universal command, col.7, lines 35-42);

a specific act of interpreting the call control command (i.e., interpreting the universal command, identifying specific network element and type of service, col.7, line 42 – col.8, line 20);

Art Unit: 2643

a specific act of determining one or more acts that would need to be accomplished to comply with the call control command (i.e., determining type of tests: POTS testing or ISDN testing, etc., and identifying appropriate test system, col.8, lines 17-57); and

a specific act of implementing the one or more acts on one or more voice lines or one or more data lines (col.9, lines 9-11 and col.10, lines 34-37; also read col.10, line 57 – col.11, line 46).

Regarding claim 2, Abe further teaches limitations of the claim in col.10, lines 2-13.

Regarding claim 5, Abe further teaches repeating steps of the same test procedure can be performed by voice terminal 155 via a voice line (col.5, lines 38-52 and col.7, lines 10-23).

Regarding claim 6, note col.10, lines 19-22.

Regarding claim 7, Abe teaches in a telephone network, as shown in figure 1, that includes a telephone device (i.e., terminal 155 or remote client 160) that is network connectable to a call control server (i.e., service modules 130, col.5, lines 29-52), the call control server configured to recognize and response to commands (i.e., universal commands) issued by the telephone device to thereby accomplish telephone tasks (i.e., testing network elements, col.6, lines 13-21), a method for allowing call control using data commands provides over a data line, the method comprising the following:

a specific act of receiving a call control command from a data line (i.e., receiving universal command, col.7, lines 35-42);

a step of processing so as to fulfill the call control command on a voice line or data line (col.11, lines 6-46).

Art Unit: 2643

Regarding claim 8, Abe further teaches the steps for processing so as to fulfill the call control command comprising the following:

a specific act of interpreting the call control command (i.e., interpreting the universal command, identifying specific network element and type of service, col.7, line 42 – col.8, line 20);

a specific act of determining one or more acts that would need to be accomplished to comply with the call control command (i.e., determining type of tests: POTS testing or ISDN testing, etc., and identifying appropriate test system, col.8, lines 17-57); and

a specific act of implementing the one or more acts on one or more voice lines or one or more data lines (col.9, lines 9-11 and col.10, lines 34-37; also read col.10, line 57 – col.11, line 46).

Regarding claim 9, Abe teaches in a computer program product for use in a telephone network, as shown in figure 1, that includes a telephone device (i.e., terminal 155 or remote client 160) that is network connectable to a call control server (i.e., service modules 130, col.5, lines 29-52), the call control server configured to recognize and response to commands (i.e., universal commands) issued by the telephone device to thereby accomplish telephone tasks (i.e., testing network elements, col.6, lines 13-21), the computer program product for allowing call control using data commands provides over a data line, the computer program product comprising one or more computer-readable media having stored thereon the following:

computer-executable instructions for detecting the receipt of a call control command from a data line (i.e., receiving universal command, col.7, lines 35-42);

Art Unit: 2643

computer-executable instructions for interpreting the call control command (i.e., interpreting the universal command, identifying specific network element and type of service, col.7, line 42 – col.8, line 20);

computer-executable instructions for determining one or more acts that would need to be accomplished to comply with the call control command (i.e., determining type of tests: POTS testing or ISDN testing, etc., and identifying appropriate test system, col.8, lines 17-57); and

computer-executable instructions for implementing the one or more acts on one or more voice lines or one or more data lines (col.9, lines 9-11 and col.10, lines 34-37; also read col.10, line 57 – col.11, line 46).

Regarding claim 10, note database 145, col.6, line 48 – col.7, line 9.

Regarding claim 11, Abe teaches a call control server (i.e., test modules 130) configured to recognize and response to commands (i.e., universal commands) issued by the telephone device to thereby accomplish telephone tasks (i.e., testing network elements, col.6, lines 13-21), the call control server comprising the following:

one or more data lines (i.e., data lines linking remote clients 160 to Server 130);
one or more voice lines (i.e., voice lines linking terminals 155 to Server 130); and
means for processing a call control command received on one of the data lines (i.e., receiving universal command, col.5, lines 38-52 and col.7, lines 35-42) so as to implement the call control command on one or more voice lines or one or more data lines (col.11, lines 6-46).

Regarding claim 13, Abe teaches a call control server (i.e., test modules or server 130) configured to recognize and response to commands (i.e., universal commands) issued by the

Art Unit: 2643

telephone device to thereby accomplish telephone tasks (i.e., testing network elements, col.6, lines 13-21), the call control server comprising the following:

one or more data lines (i.e., data lines linking remote clients 160 to Server 130);

one or more voice lines (i.e., voice lines linking terminals 155 to Server 130);

a command interpreter (i.e., test management processing unit 140) configured to interpret call control commands received over at least the data lines (col.6, lines 13-28); and

an action scheduler (i.e., test management database 145 and/or test system 150)

configured to implement one or more acts needed to implement the call control commands on the voice lines or the data lines (col.6, lines 48-54; col.9, lines 36-61 and col.11, lines 6-46).

Allowable Subject Matter

3. Claims 17-64 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

The prior of record fails to clearly teach the method for allowing a human to use a set of commands that are more intuitive to the human in order to control the call control server... comprising features of, inter alia, translating the request, which is not recognized by the call control server, into a form that is recognized by the call control server, as substantially described and connected in independent claims 17, 43, 60 and 63

5. Claims 3-4, 12 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2643

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DuRee et al. (U.S Pat. #: 6,160,871), Chan et al. (U.S Pat. #: 5,974,115) and Johnson et al. (U.S Pat. #: 5,359,646) each teaches a system and a method for allowing a user or network operator to enter commands to generate and run test call. None of the above references that teach translation of the request into a form that is recognized by the call control server, as stated above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

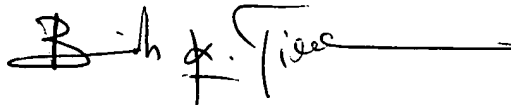
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU
PRIMARY EXAMINER**

Art Unit 2643

Date: April 30, 2004